

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

v.

JACK BENNETT,

Defendant.

Case No. C07-5674RBL/JKA

ORDER TO FILE A SECOND
AMENDED COMPLAINT OR
INFORM THE COURT IF THIS
ACTION IS MOOT

This 42 U.S.C. § 1983/Bivens action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. All but one of the named defendants in this action entered into a stipulated settlement with plaintiff prior to the court considering this action (Dkt # 4). The only remaining defendant is Jack Bennett. Review of the amended complaint, (Dkt # 1, proposed amended complaint), reveals that plaintiff has pled no specific facts as to any action taken by this only remaining defendant.

It may be that this action is moot as a result of the settlement, or it may be that plaintiff has an action against the only remaining defendant. From the amended complaint it is not possible for

1 the court to make this determination.

2 Plaintiff is hereby ordered to either file an amended complaint setting forth his specific
3 allegations against the only remaining defendant or to inform the court if this action should be
4 dismissed. Plaintiff has until **February 29, 2008** respond to this order. If the amended complaint
5 fails to state a claim or there is no response the court will enter a Report and Recommendation that
6 this action be dismissed.

7 The clerk's office is directed to send a copy of this order to plaintiff.

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9 DATED this 31 day of January, 2008.

10 /S/ J. Kelley Arnold
11 J. Kelley Arnold
12 United States Magistrate
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